

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
)
BILLYNNE PROPERTIES, INC.,)
) CASE NO. BK05-28865 (D.N.J.)
Debtor(s).)
HOME INSTEAD, INC., a Nebraska) A05-8045
corporation,)
)
Plaintiff,) 8:05CV237
)
vs.) CH. 11
)
WILLIAM P. VELEZ; and)
BILLYNNE PROPERTIES, INC., a)
New Jersey corporation,)
)
Defendants.)

REPORT & RECOMMENDATION

This matter is before the court on the plaintiff's status report (Fil. #6) and the affidavits of Trenten Bausch (Fil. #s 7 and 8).

The debtor filed its Chapter 11 bankruptcy case in New Jersey, which stayed all proceedings in the civil litigation filed in Nebraska. The New Jersey bankruptcy court has now lifted the automatic stay to permit the Nebraska litigation to proceed to entry of judgment. Should the plaintiff obtain a judgment or monetary order against the debtor, the plaintiff may not execute on that order or judgment without further order of the New Jersey bankruptcy court.

I therefore respectfully recommend to the United States District Court for the District of Nebraska that reference of this case be withdrawn to permit the parties to continue with their litigation.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: June 29, 2005

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:

Theresa Koller	C.G. Jolly, Jr.
Trenten Bausch	Craig Hilliard
U.S. Trustee	

Movant (*) is responsible for giving notice of this order to all other parties not listed above if required by rule or statute.